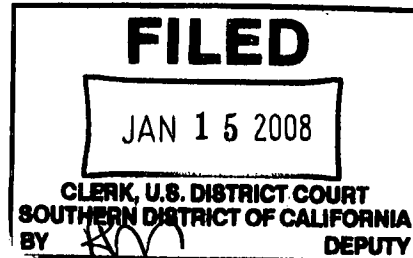


Manuel Cabrera Alejandro
(Name)

PO Box 439049
(Address)

San Diego, CA. 92143
(City, State, Zip)

09376-097
(CDC Inmate No.)



2254	1983	<input checked="" type="checkbox"/>
FILING FEE PAID		
Yes	No <input checked="" type="checkbox"/>	
HFP MOTION FILED		
Yes <input checked="" type="checkbox"/>	No	
COPIES SENT TO		
Court <input checked="" type="checkbox"/>	ProSe	

United States District Court
Southern District of California

Manuel Cabrera Alejandro:

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

Fred Lawrence, Warden:

Mr. Lindstedt, Lt.

Medical Department.

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 0092 JLS RBB

Civil Case No.

(To be supplied by Court Clerk)

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Manuel Cabrera Alejandro, who presently resides at (CCA), PO Box 439049 San Diego, CA. 92143, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at (CCA),

PO Box 439049/San Diego, CA. 92143 on (dates) 7/20/07, 1/08/08, and 2008-

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant Fred Lawrence resides in San Diego, CA.
(name) (County of residence)
 and is employed as a Warden at SDCF/CCA This defendant is sued in
(defendant's position/title (if any))
 his/her individual official capacity (Check one or both.) Explain how this defendant was acting
 under color of law: Was at all time employed as Warden of San Diego
 Correctional Facility (SDCF) for the State of California, and he is in charge
 of every department and operations at sad facility.

Defendant Lt. Lindstedt resides in San Diego, CA.
(name) (County of residence)
 and is employed as a Head of Medical Department (SDCF). This defendant is sued in
(defendant's position/title (if any))
 his/her individual official capacity (Check one or both.) Explain how this defendant was acting
 under color of law: Was at all time employed as Head of Medical Department
 at SDCF/CCA, and failed to provide needed medical attention.

Defendant Medical caretaker of resides in
(name) (County of residence) San Diego Co.
 and is employed as a Prisoners Medical Department This defendant is sued in
(defendant's position/title (if any))
 his/her individual official capacity (Check one or both.) Explain how this defendant was acting
 under color of law: is the department of health in charge of health
care for the prisoners of the San Diego Correctional Facility

Defendant ICE/Marshall resides in San Diego (Ca.,
(name) (County of residence) Department
 and is employed as a Department This defendant is sued in
(defendant's position/title (if any))
 his/her individual official capacity (Check one or both.) Explain how this defendant was acting
 under color of law: U.S. Marshall's are in charge of the
prisoners in the United States Marshall's
custody. They are at all times employ's
for the Federal Bureau of Prisons, U.S.A.

They did choose to ignore my request.
dated November 14, 2007
I didn't get/receive response back.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: *Eight Amendment to the United States Constitution; right to medical care* (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

Defendant Mr. Fred Lawrence is the Warden of the San Diego Correctional Facility CCA. He is legally responsible for the overall operation of the CCA Facility, including the medical Department, at SDCF/CCA. Defendant Fred Lawrence, shall have known of the action of his subordinates or should have been aware and neglected to ignore the actions of his subordinates.

Plaintiff file all the administrative remedies required, therefore Mr. Fred Lawrence (Warden) was well aware of the needed medical needs of Plaintiff.

Count 2: The following civil right has been violated: ~~Eight Amendment to the~~
(E.g., right to medical care, access to courts,
United States Constitution. Right to medical care
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

Defendant Mr. Lindstedt, Lt.
He is legally responsible for the overall
operation, regarding to Medical Department
in San Diego Correctional Facility CCA.
Defendant Mr. Lindstedt Lt.
shall have known of the action of his
subordinates or should have been aware
and neglected to ignore the actions of his
subordinates.

Also, Mr. Erick L. Guzman, Esq.
Trial Attorney
He did send a letter to Mr. Lt. Lindstedt:
concerning about my medical treatment,
Mr. Lt. Lindstedt: did choose to ignore
the petition.

Count 3: The following civil right has been violated:
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

*Fifth Amendment to the United States
Constitution, . . . Right to medical treatment.*

*Medical Department San Diego Detention
Center (CLC).*

*Including Mr. Lt. David Lusche, Pa-c
LCDR, USPHS, SD ICE Medical Referral
Center.*

*Always, Mr. Lt. D. Lusche:
was telling me that, - He was my Doctor
Since July 2007, until October 24, 2007.*

*On October 2007, Mr. Lt. David Lusche:
called me for an interview,
Then he told me that, - I don't know
why are you call me a Doctor. I am not
a Doctor, - I am a Lt. Lusche.*

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? Yes ☒ No

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

(b) Name of the court and docket number: N/A

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] N/A

(d) Issues raised:

N/A

(e) Approximate date case was filed: N/A

(f) Approximate date of disposition: N/A

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Plaintiff Manuel Cabrera/Alejandro did use the prisoner grievance procedure available at San Diego Detention Center (CDC), to try and solve the problem. On July 25, 2007, I file it first grievance form 14-5B. Second, grievance form August 12, 2007. Third one, On December 03, 2007. All to no avail.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): An order by a court that, -The Defendants, should begin to provide me, with medical treatment, Before the damage became irreparable.
2. Damages in the sum of \$ 1,198,040.
3. Punitive damages in the sum of \$ 1,198,040.
4. Other: Physical damages in the sum of \$1,198,040

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☒ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

1-10-2008
Date

Manuel Cabrera
Signature of Plaintiff

Manuel Cabrerada. 09376-097

EXHIBIT
A

Grievance copies.

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Cabrera Manuel A. 09376-097 B MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

On April 11, 2007, I requested an informal medical resolution, via BP-229. The one you left was not worked, with this # 451083-F1. And I supposedly I was scheduled on appointment. To make me in DMPI. But nobody came on for that appointment. The marshals told me that - "my appointment was canceled." But nobody knows. Who canceled. and, or why?

Mr. Leyva: called me, on 5-7-07, for an interview. Only to intimidate me, by yelling and crying at me. To withdraw my BP-229. # 451083-F1.

I am tired about every body's playing games with me and every body's been practicing the discrimination with me.
 6-29-2007

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

THIRD COPY: RETURN TO INMATE

CASE NUMBER:

CASE NUMBER: 458265-F1

Part C- RECEIPT

Return to: Cabrera - Alejandro 09376-097 1106-0094 MCC San Diego
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: medical matters

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Manuel Cabier & Alejandric #09376-097

This is a grievance Duplicate, date 7-25-2007
I file it and send it To Fred Lawrence. The
San Diego Correctional facility (CA. Warden.

"State Grievance."

I got to this Facility, On July 20, 2007
Since that date, I have been requesting
medical treatment. My back is in pain "24" hours
a day. My eyes are hurting me "24" hours a day.
My Hemorrhoids need surgery. My right side
ear, need surgery."

Since 1994, I hurt my back on an accident, "When
I was working in CMC State Prison in San Luis
Obispo California. Since that year, Nobody's want
to take care of my health. Now my arms, My
legs and my knees are hurting me too "24" hours a day."

On July 19, 2007, Alvarado hospital, took an MRI
from my back injury.

"Requested Action:

I want the Doctors, to fix my back injury.
I want the Doctors, to fix my eyes.
I want the Doctors, to fix my Hemorrhoids.
I want the Doctors, to fix my right side ear.

Manuel Cabrera Alejandro #09376-097

Responding Staff Member's Report:

- ① Mr. Cabrera is currently being treated for back pain, and has a "TAB" request pending to see the Orthopedist, ② Eye glasses are not a provided benefit, ③ Issues of Hemorrhoids, hearing loss in right ear, and eye exam to be addressed at next scheduled appointment in 3 Weeks.

Responding Staff Member's Decision:

Grievance Closed

Responding Staff Member's Printed name

D. Lusche. Title LCDR, PAC

Responding Staff Member's Signature

D. Lusche Date 8-21-2007

Page 2 of 2

Manuel Cabrera, Alejandro #09376-097

This is a grievance, Duplicate date 11-14-2007
I file it and send it to, ICE/Marshalls:

State Grievance:

This is regarding to my medical treatment
have been denied.

"This is my situation"

On July 2006, I was arrested by the Border
Patrol, and turn over to U.S. Marshalls;
for prosecution I was taken to the San Diego
Metropolitan Center.

Since my arrest, I did request medical
treatment, until July 2007. All I have been
received is what is call an MRT, for my back
injury, which was done at Naval Hospital

On July 20, 2007, I got transfered to CCA
Facility. Since the transfered
I have been requesting medical treatment at
CCA Facility, I have been file it Sick call
forms, and Grievance forms, Nothing work
out.

If I should make this request elsewhere
please inform me promptly.

I appreciate your time and consideration

Thank you.

Serious Medical Need, have to be treating.
My back injury it's hurting me "24" hours a day".
Eye sight, Hurts me "24" hours a day".
Hemorrhoids need surgery, and hearing
right ear too.

Page 1 of 2

Mamuel Cabrera Alejandro # 09376-097

This is a grievance Duplicated date 12-3-2007

State grievance.

Mr. B. Murrell & CCA Warden:

Sorry for bother you again, Regarding to my medical treatment, Since July 2007 I have been requesting medical treatment. At my requests have been denied. On 11-6-2007 I spoke with the security Chief Assistance and or Mr. B.

Murrell, and the Supervisor Mr. Rivera: He suppose to take care of my medical Problems.

But he did not. Never came back to talk to me.

"However" Then On 11-16-2007 I spoke to you Mr. Murrell and Warden about the matter, "You told me that, - You will put every-thing straight." And I reply that, - "That's exactly what I want." Finally, you the Warden: "Told me that, - Mr. Rivera: will take care of your problem."

Till this date 12-3-2007, Mr. Rivera: Never show up to talk to me about the matter.

Sorry and thank you.

Back injury, Hurts "24" hours a day". Eye sight, hurts "24" hours. Hearing lossing right ear. Hemorrhoid's problem. And Dental problem.

Now I am experience some kind of an Ulcer problem.

Page 1 of 2

Manuel Cabrera Alejandro #09376-097

Responding Staff Member's Report:

Grievance administratively
Rejected; It contains complaints
of multiple unrelated issues.

Please refer to grievance procedures,
page 14 of inmate/detainee handbook.

Responding Staff Member's Decision:

N/A

Responding Staff Member Printed name:

David Lusche, Pa-C LCDR, USPHS
SD ICE Medical Referral Center.

12-5-2007

Inmate/Resident Appeal:

On 12-8-2007

I have been requesting Medical treatment
for about five months.

All my medical requests have been denied."
"Tell me Why?"

If I should make this request elsewhere
Please inform me promptly."

On appeal, No response =

Page 2 of 2

Manuel Cabrera A. 09376-097

EXHIBIT
"B"

Trying to get copies
of my medical record
and the 602s records,

From 1994

California Mens Colony
State Prison /

Inmate Appeals Branch
Sacramento Ca.

San Diego Ca. 1-10-08

Manuel Cabreny Alejandro
#09376-097 CCA.
PO Box 439049
San Diego Ca. 92143

Dear Health Record Center
8300 Valdez Ave.
Sacramento Ca. 95828

In Re: File No. F 93818

Pursuant to freedom of Information
Privacy Act. 5 USC. § 552 and 552(a)

At this time I am requesting that
you provide me with copies of my
Medical record.
Specifically from 1994.

About the accident occurred,
When I was in CMC State Prison.
I was working as a Porter - On "D"
yard. Second floor building Seven.

The day of the accident, My Supervisor
% Ortiz: She did send me to the
Clinic.

So. The record of the accident
is in my medical record.

Thank you for your time

Very respectfully
Manuel Cabreny

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

**DIVISION OF ADULT INSTITUTIONS
CALIFORNIA MEN'S COLONY**

P.O. Box 8101
San Luis Obispo, CA 93409-8101



December 13, 2007

Manuel Cabrera
90376-097 CCA
P. O. Box 439049
San Diego, CA 92143

Dear Mr. Cabrera,

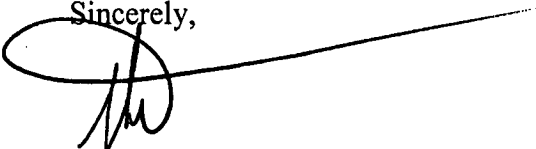
Your letter regarding your medical records, to Warden John Marshall, dated November, 2007, has been referred to me for response. In your letter you are requesting a copy of medical records, specifically from 1994.

You were discharged on February 11, 2007 at which time your Unit Health Record (UHR) was sent to the Health Records Center in Sacramento. In order to obtain copies of documents in your UHR you must write to the following address:

Health Records Center
8300 Valdez Ave.
Sacramento, CA 95828

If you have any questions, or need additional information, please free to contact my office at (805) 547-7690.

Sincerely,


John Schmidt (A)
Associate Warden - Health Care
California Men's Colony

**DIVISION OF ADULT OPERATIONS
INMATE APPEALS BRANCH**

P.O. Box 942883
Sacramento, CA 94283



November 6, 2007

Mr. Manuel Cabrera Alejandre
San Diego Correctional Facility
Booking #09376-097
P.O. Box 439049
San Diego, CA 92143

Re: Request for Copies of CDC 602s (Inmate/Parolee Appeal Form) – CDCR #E-43818

Dear Mr. Alejandre:

This is in response to your correspondence dated October 24, 2007, wherein you request copies of CDC 602s (Inmate/Parolee Appeal Form) processed for you by the California Department of Corrections and Rehabilitation (#E-43818) at the Director's Level of Review (DLR). You are requesting the documents pursuant to the Freedom of Information Act.

The Inmate Appeals Tracking System maintained by the Inmate Appeals Branch reflects no appeals activity for you at the DLR. There is no record of receiving any appeals from you that were either screened out or processed at the DLR.

I trust this has addressed your concern.


N. GRANNIS, Chief
Inmate Appeals Branch

Answered
11/8/07

State of California

Department of Corrections and Rehabilitation



Memorandum

Date : November 29, 2007

To : CABRERA, MANUEL
E-43818

Subject : **PROCESSED OR SCREENED OUT APPEALS**

This is in response to your letter to the Warden dated November 18, 2007. You are requesting to be provided with a copy of the CDC 602 Inmate/Parolee Appeals Tracking System maintained by the Inmate Appeals Branch. CMC staff cannot assist you with that request. You will have to write to the Inmate Appeals Branch in Sacramento.

The Inmate Appeals Tracking System (IATS) at CMC does not list any appeals assigned or screened out for you. For your information, Appeals are retained for two years with the exception of CDC 1824 Reasonable Modification or Accommodation Requests Forms (ADA) and Appeals alleging staff misconduct, which are retained for five years.



D. ENGLER, CC II
Appeals Coordinator
California Men's Colony

EXHIBIT
"C"

Trying to get Attorney.

December 23, 2007

John B. Little
Attorney at Law

Dear Mr. Little: I am writing
you this letter, for two reasons.
First, I wish you a Merry Christmas.

"On the other hand,"
I will like to know that, "If you do
prisoners cases?"

This is my situation:

I am in custody with the Marshalls

I hurt my back, when I was
working with the Government

Since the accident, I been requesting
medical treatment, by using Sick call
request forms and Grievance forms.

All my requests have been denied.

The only thing the Marshalls did it
for me, is that, - what is call an
MRI, which been done in Albarado
Hospital. And two of the Doctors
overther told me that, - I do need
surgery and therapy. Because,
my back and my legs are in pain
"24" hours a day.

I am including an MRI copy

That way you can see for yourself
we have a good case.

Pretrial Inmate Health care
Concerns.

Serious Medical Need.

Section 1983 of Title 42
of the United State Code.

844-6(A) and 844.4 and 844.2.
and 845.4.

The Eighth Amendment,
protects your right to medical
care. The Constitution
guarantees prisoners this right.
The prison must provide you
with medical care if you need it.

Please Mr. John:

I need you to raise this
concerns to the court room.

I pray that God bless you

Sincerely
Manuel A. Cabrera
Rec. No. 09376-097

Manuel Cabrera A. 09376-097

EXHIBIT
"D"

A conversation/Interview
With Mr. Fred Lawrence:
SDCF, CCA, Warden
Also With Warden Assistance
and Supervisor Mr. Rivera:

On November 06-2007

Around 12:00 O'clock noon.

I was talking to the Security Chief Assistance
Regarding to the agreement, we sign it

As a response to the grievance form 14-5B
I file it, to request medical treatment

On that agreement, I suppose to get
medical treatment, in three weeks.

This time frame began on the date 8-21-2007
Which, in till this date,

I have-not receive medical treatment.

"However,"

The Supervisor Rivera:

get in to the conversation, with us
and told me that, — Oh! Go never
give me the chace to fix this problem.

Let me fix it, Then Mr. Rivera
grabbed the grievance copy, from my
hand, By told me that — I will
talk to you later, Mr. Cabrera:

The same day on the evening,

The Supervisor Rivera, Told me that —
Let me check the paper work,
and then I talk you. — "However,"

Mr. Rivera took a week to check the
paperwork, but never come back to
talk to me about the matter. "However,"

After a week later, I Question Mr.
Rivera, He responded that — Oh!
I haven't time to check the paperwork
yet.

November 16, 2007

In the morning, I was talking to
Mr. Fred Lawrence
S.D.C.F. Warden.

I was asking him about my medical
treatment.

The Supervisor Rivera
got in to the conversation, and told me
that, — Oh. You never give me the
chance to fix this problem.

I reply that, — Rivera, I give
you the opportunity to fix this
problem twice. I all ready.
You didn't fix it.

Then the Warden: Told us that, —
This is not a matter to argue,
Let's put everything straight,
I reply, — That's exactly what
I want?

Finally, The Warden:
Told me that he will take care
of the problem. And the
Supervisor Rivera take my
Grievance copy. However?

I am still waiting for a response.

Manuel Cabrera A. 09376-097

EXHIBIT
"I"

A conversation/Interview
with a Doctor.

CCA Correctional Facility.

(This is a conversation with a Doctor.)

On October 16, 2007,

The CCA Service transported me, for an appointment with the Orthopedist.

The Doctor office is over there by Albarado Hospital. However,

After the Doctor, concluded the exam. and read out the MRI copy.

The Doctor told me that, —

Mr. Cabrera: "You have irreparable injury" "I reply" — that,

That's mean, "my back will be incapacity for ever.?"

The Doctor, responded me that, —

Yes, — Also, The exam, get me to the conclusion, that you may have Arthritis too.

Then, He asks me that, — "If I have any other medical problems?"

I reply, — Yes I do have other medical problems,

The Doctor: reply: "what kind of problems?"

I answered,

I have eyes sight problem:

Hearing loss in right ear problem:

Dental problem:

Hemorrhoidis problem, And now

I am experiencing an Ulcer pain.

Or something like that. He, the Doctor,

He ask me that, — If the Doctors been taking care of me.

"I"

I reply No: they don't.

The medical department, Been denied me medical treatment.

The only thing I got, It's the MRI, and this appointment with you, alone with Naproxen 500 mg. Tab. and Acetaminophen 500 mg. Tab.

But the medicine, doesn't take/make the pain go away completely. My back and my legs, are in pain "24" hours a day, as my eyes, are in pain "24" hours a day too.

However,

The Orthopedist/Doctor, concluded the interview, by told me that - OK Mr. Cabrera. I want to see you again. For now, That's it.

I will appointe somebody, to give you Therapy, alone to teach you some kind of exercise for your back injury.

Also, We will talk about the surgery next time.

Manuel Cabrera A. 09376-097

EXHIBIT
" F "

Attorney Erick L. Guzman:
Letter to Mr. Lt. Hindstedt:
SDCF, CCA, Medical Department
Requesting medical treatment

No response, No action.

**FEDERAL
DEFENDERS
OF
SAN DIEGO,
INC.**

The Federal Community
Defender Organization
for the Southern
District of California

November 7, 2007

Lt. Lindstedt
Medical Department
San Diego Detention Center (CCA)
P.O. Box 439049
San Diego, CA 92143-9049

RE: Mr. Manuel Cabrera-Alejandre, Reg. No. 09376-097

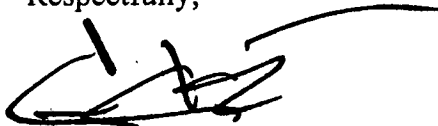
Dear Lt. Lindstedt:

I spoke with you today concerning the medical condition of my client, Mr. Manuel Cabrera-Alejandre. He has repeatedly informed me that he is suffering from severe and chronic back pain. He also informs me that he has made several requests to the facility officials, but has not yet received adequate treatment.

If there is anything I, or my office, can do to expedite Mr. Cabrera-Alejandre's treatment, please inform me as soon as possible. Also, if I should make this request elsewhere, please inform me promptly. Otherwise, I will assume that you are the appropriate party to which I should raise these concerns.

I appreciate your time and consideration.

Respectfully,



Erick L. Guzman, Esq.
Trial Attorney

NBC Building
225 Broadway
Suite 900
San Diego,
California
92101-5030
(619) 234-8467
FAX (619) 687-2666

Manuel Cabrera A. 29376-097

EXHIBIT

"E"

MRI COPY.

30P00937097

ALVARADO HOSPITAL
6655 Alvarado Road
San Diego, CA 92120-5298
619-229-3370

DATED
7/19/07

NAME: CABRERA ALEJANDRO, MANUEL AGE: 55 DR. METRO CORREC CENTER
MR#: 709220 M DOB: 02-May-1952 DATE: 19-Jul-2007
Exam #: 4A-071907 Account#: 5291275 RA MRI

Clinical Data: LOW BACK PAIN W/LT LEG RADICULOPATHY
724.2

Exam: MRI LUMBAR SPINE W/O CM

TECHNIQUE: The examination was performed on the 1.5 Tesla GE mobile unit scanner. Multiple imaging planes and sequences were performed.

COMPARISON: None.

FINDINGS: There is a tortuous abdominal aorta with mild aneurysm distally measuring 3 cm. The right common iliac artery is also dilated measuring 1.7 cm.

There is diffuse degenerative vertebral change and disc disease with disc desiccation present, most prominently involving the T12-L1 through L4-5 levels. The conus appears within normal limits at the T12 level.

At the T12-L1 level there is disc bulge and ridging with a small right posterior protrusion, without significant stenosis.

At the L1-2 level, there is disc bulge and ridging with mild left foraminal narrowing. No significant central stenosis.

At the L2-3 level, disc bulge and ridging and degenerative facet change with mild bilateral foraminal narrowing. No significant central stenosis. The disc bulge is eccentric with far left lateral position and does approach the far left lateral L2 root.

At the L3-4 level, disc bulge and mild spurs are present with mild to moderate foraminal narrowing, but no significant central stenosis. There is mild degenerative facet change and mild lateral recess narrowing. There is a small right lateral protrusion centered on the inferior lateral right foramen which approaches the right L3 root as it exits the foramen.

(cont'd)
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RADIOLOGY REPORT/PHYSICIANS RADIOLOGY

J. Robins L. O'Shaughnessy A. Lurie R. Glass S. Harman
G. Tsukada W. Snyder A. Malcolm

11:37
26-Jul-2007

DL
LT DAVID LUSCHE
PHYSICIAN ASSISTANT
7/27/07

ALVARADO HOSPITAL
6655 Alvarado Road
San Diego, CA 92120-5298
619-229-3370

NAME: CABRERAALEJANDRO, MANUEL AGE: 55 DR. METRO CORREC CENTER
MR#: 709220 M DOB: 02-May-1952 DATE: 19-Jul-2007
Exam #: 4A-071907 Account#: 5291275 RA MRI

Clinical Data: LCW BACK PAIN W/LT LEG RADICULOPATHY
724.2

(continued - MRI LUMBAR SPINE W/O CM)

At the L4-5 level, disc bulge and spurs with degenerative facet change and mild foraminal narrowing on the left and severe right foraminal narrowing. This does not cause significant central stenosis. Disc bulge approaches the far right L4 root distal to the foramen. There may be contact at this location.

At the L5-S1 level, no significant disc bulge or protrusion. No stenosis. There is mild degenerative facet change.

IMPRESSION: 1. Diffuse degenerative disc disease and degenerative vertebral change lumbar spine without significant central stenosis. There is a small right posterior protrusion at the T12-L1 level without stenosis.

2. Far lateral disc bulges on the left at the L2-3 level and on the right at the L4-5 level, approach may contact the far lateral roots. Small protrusion within the right posterior lateral position at the L3-4 level may contact the exiting right L3 root.

3. 3 cm distal abdominal aorta.
Thank you for this referral.

D: 07/20/2007
T: 07/20/2007

signed: WILLIAM C. SNYDER, M.D.

BS/psr

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RADIOLOGY REPORT/PHYSICIANS RADIOLOGY

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11:37
26-Jul-2007

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

I (a) PLAINTIFFS

Manuel Cabrera Alejandre

Lawrence, et al

JAN 15 2008

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	DEFENDANTS
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Attorney (if known)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Manuel Cabrera Alejandre
PO Box 439049
San Diego, CA 92143
Booking # 09376-097

'08 CV 0092 JLS RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|----------------------------|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of This State | Incorporated or Principal Place of Business in This State | | |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | Incorporated and Principal Place of Business in Another State | | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | Foreign Nation | | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.e.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE January 16, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. M. [Signature]